

AMENDED IN ASSEMBLY JULY 2, 2012

AMENDED IN ASSEMBLY JUNE 20, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1340**

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**Introduced by Senator La Malfa**  
(Coauthor: Assembly Member Nielsen)

February 24, 2012

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An act to add Section 1487 to, and to add and repeal Section 1488 of, the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as amended, La Malfa. Appropriation of water: Sewerage Commission Oroville.

Under existing law, the State Water Resources Control Board (~~board~~) (*board*) administers a water rights program pursuant to which the board grants permits and licenses to appropriate water.

Existing law requires the owner of a wastewater treatment plant to obtain the approval of the board prior to making any changes in the point of discharge, place of use, or purpose of use of treated wastewater, and requires the board to review the proposed changes in accordance with prescribed procedures.

Existing law authorizes any municipality, governmental agency, or political subdivision operating a waste disposal plant that discharges water meeting the requirements of the appropriate regional board into the San Joaquin River to file an application for a permit to appropriate an equal amount of water, as adjusted for seepage and other factors, downstream from the disposal plant and out of the San Joaquin River or the Sacramento-San Joaquin Delta, which water may be sold or

utilized for any beneficial purpose. Existing law authorizes the board to grant the permit to appropriate on such terms and conditions as in the board's judgment are necessary for the protection of the rights of others.

This bill would authorize the Sewerage Commission Oroville to file an application for a permit, *on or after July 1, 2013*, to appropriate a specified amount of water that is based on the volume of treated wastewater that it discharges into the Feather River, as specified. The bill would authorize the board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the board. The bill would require the board, prior to granting a permit pursuant to these provisions, to comply with permit, approval, and review requirements and other laws applicable to the appropriation of water.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sewerage Commission Oroville.

The bill would require the board to prepare a report assessing the potential cumulative effects of the above-described discharge and appropriation provisions on the use of water rights by current water rights holders, the ability to meet or exceed instream flow standards in the Sacramento and San Joaquin Rivers, and the ability to meet or exceed water quality standards in the Sacramento-San Joaquin Delta and in the Sacramento and San Joaquin Rivers. ~~The would~~ bill *would* require the board to post the report on its Internet Web site and transmit an electronic copy of the final report to subject matter committees of the Legislature by July 1, 2013, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1487 is added to the Water Code, to read:  
2     1487. (a) The Sewerage Commission Oroville, and any  
3     successor thereto, with respect to treated wastewater produced by  
4     the sanitation district that meets the requirements of the California  
5     Regional Water Quality Control Board, Central Valley, as may be  
6     amended or modified, and that is discharged into the Feather River,  
7     may file an application with the board, *on or after July 1, 2013*,  
8     for a permit to appropriate an amount of water up to the amount  
9     of treated wastewater that the Sewerage Commission Oroville  
10    discharges into the Feather River, less diminution by seepage,

1 evaporation, transportation, or other natural causes between the  
2 point of discharge from the wastewater treatment plant and the  
3 point of diversion out of the Feather River.

4 (b) Upon application for a permit to appropriate water pursuant  
5 to subdivision (a), the board may grant the permit subject to the  
6 terms and conditions as in the board's judgment are necessary for  
7 the protection of the rights of any legal user of the water.

8 (c) Prior to the board granting a permit under subdivision (b),  
9 the board shall comply with Part 2 (commencing with Section  
10 1200) of Division 2, and other applicable law, and may impose  
11 terms and conditions authorized thereunder.

12 (d) Water appropriated in accordance with this section may be  
13 sold or utilized for any beneficial purpose.

14 SEC. 2. Section 1488 is added to the Water Code, to read:

15 1488. (a) The board shall prepare a report assessing the  
16 potential cumulative effects of the application of this article on the  
17 following:

18 (1) The exercise of water rights by current water rights holders.

19 (2) The ability to meet or exceed instream flow standards for  
20 the Sacramento and San Joaquin Rivers.

21 (3) The ability to meet or exceed water quality standards for the  
22 Sacramento and San Joaquin Rivers.

23 (b) (1) The board shall keep an electronic mailing list of  
24 interested parties. Before issuing a final report prepared pursuant  
25 to subdivision (a), the board shall post a draft of the report on its  
26 Internet Web site and notify all interested parties subscribed to the  
27 electronic mailing list. The board shall accept written comments  
28 on the report for a period of not less than 30 days from the date of  
29 posting.

30 (2) The board shall post its final report on its Internet Web site  
31 and notify interested parties subscribed to the electronic mailing  
32 list. The board shall transmit an electronic copy of the final report  
33 to the Senate Committee on Natural Resources and Water and the  
34 Assembly Committee on Water, Parks and Wildlife by July 1,  
35 2013.

36 (c) The report prepared pursuant to subdivision (a) shall not be  
37 considered binding or precedential on any later proceeding before  
38 the board.

39 (d) Pursuant to Section 10231.5 of the Government Code, this  
40 section is repealed on July 1, 2017.

1 SEC. 3. The Legislature finds and declares that a special law  
2 is necessary and that a general law cannot be made applicable  
3 within the meaning of Section 16 of Article IV of the California  
4 Constitution because of the unique problems applicable to the full  
5 utilization of the waters of the Feather River, into which treated  
6 wastewater discharged by the Sewerage Commission Oroville  
7 flows.

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